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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 DAVID ALAN COHEN,

11 Defendant.
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Case No. 2:17-cr-00114-APG-CWH

ORDER

13 Presently before the court is pro se Defendant David Alan Cohen's Motion to Mandate
14 (ECF No. 154), filed July 25, 2017. The government filed a response (ECF No. 163) on August 1,
15 2017. Cohen filed a reply (ECF No. 175) on August 8, 2017.

16 Cohen requests that the Court "relinquish its stance on mandatory minimums." In essence,
17 he requests the Court provide an advisory opinion regarding the possible mandatory minimum
18 sentences which he is facing. Cohen made a similar motion to "Vacate Mandatory Minimum"
19 (ECF No. 72), filed May 18, 2017. The Court advised him that because the case has not yet
20 proceeded to trial, and that Cohen has not been convicted, his request is premature. (Order (ECF
21 No. 86).) The Court therefore declined to issue a statement of its interpretation of the law that may
22 or may not be applied after the outcome of the trial in this matter. The Court further recommended
23 that, to the extent it is helpful to the Cohen to prepare for trial, he may file a motion requesting an
24 early presentence investigation report. Cohen has not made such a request.

25 At a hearing held on August 14, 2017, Defendant indicated that he no longer wished to
26 represent himself, and the Court reinstated David Fischer as CJA counsel. (Mins. of Proceedings
27 (ECF No. 180).) Given that Mr. Cohen is now represented by an attorney, the court denies this
28 motion without prejudice for Mr. Fischer to re-file an appropriate motion if he deems it necessary.

1 IT IS THEREFORE ORDERED that Defendant David Alan Cohen's Motion to Mandate
2 (ECF No. 154) is DENIED without prejudice.

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4 DATED: August 28, 2017

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8 **C.W. Hoffman, Jr.**
9 **United States Magistrate Judge**
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